



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,551	11/12/2003	Karl W. Terry	7124.024	6905
30589	7590	06/29/2005	EXAMINER	
DUNLAP, CODDING & ROGERS P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113				ZIMMER, MARC S
ART UNIT		PAPER NUMBER		
1712				

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)
	10/706,551	TERRY ET AL.
	Examiner	Art Unit
	Marc S. Zimmer	1712

All Participants:

Status of Application: non-finally rejected

(1) Marc S. Zimmer.

(3) _____

(2) Douglas Sorocco.

(4) _____

Date of Interview: 17 May 2005

Time: _____

Type of Interview:

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

Terry et al., U.S. Patent # 6,342,097

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant was advised that the Examiner had erred by not making an obviousness-type double patenting rejection of the claimed article in view of the composition claims set forth in U.S. Patent # 6,342,097, which had evolved from parent application 09/553,583. Although they belong to different statutory lines of invention, the litmus test for obviousness-type double patenting is whether or not the claims could reasonable have been separated by restriction. In the Examiner's estimation, they would not have been restrict-able. Insofar as the instant process employs a coating composition comprised of precisely the same materials as are essential to the composition claims of the patent, obviousness type double patenting rejections are merited. Applicant was asked to file a terminal disclaimer thereby precluding the Examiner from making this rejection and, hence, to expedite prosecution.